

**05-998 UNITED STATES V. RESENDIZ-PONCE**

DECISION BELOW: 425 F.3d 729 (9th Cir. 2005)

LOWER COURT CASE NUMBER: 04-10302

QUESTION PRESENTED

Whether the omission of an element of a criminal offense from a federal indictment can constitute harmless error.

Cert. granted 4/17/06